

The Late

KING of SPAIN

WILL,

AND THE

Treaty for the *PARTITION*

OF THE

KINGDOM of SPAIN;

Recited and Consider'd, Paragraph by Paragraph:

WITH

Animadversions upon Both, tending to Prove, That it is the Intetest of all *EUROPE*, to Adhere Inviolably to the *PARTITION* of the *SPANISH* Monarchy; and more particularly Conducing to the Welfare of *ENGLAND*.

DUBLIN, Re-printed at the *Post-Office-Coffee-House*, in *Fish-Shamble-Street*, 1700.

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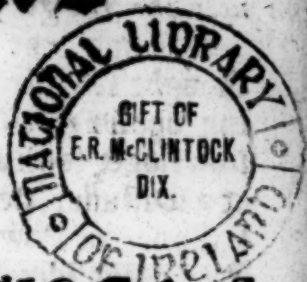
WITNESSETH

Advertisements upon both, tending to prove that it is the
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LAND.

1700 (10)
Dublin

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The Late
King of Spain's
W I L L.



And the Treaty for the *PARTITION* of the *KINGDOM* of *SPAIN*; Recited and Consider'd, Paragraph by Paragraph.

Since nothing has lately more Employ'd the Tongues and Pens of Mankind, than Discourses about the Late King of *Spain's* Will, the Dividend of the *Spanish* Monarchy, I thought I could not more Oblige the Curious Enquirers, than by Accommodating them with the Sight of the Will it self, and the Articles, which set forth the Partition, with modest Remarks upon Both; tending to prove beyond Contradiction, that 'tis the Interest of all *Europe*, and more particularly of our Native Country *England*, to adhere inviolably to the Partition of the *Spanish* Monarchy, as it was agreed on by the Kings of *England* and *France*, and the States General of the United Provinces, if the King of *Spain* should Die without Issue. And tho' I shall Invert the order of Time in which these Affairs were Transacted, I shall begin with the Late King of *Spain's* Will, which if it Signifies any thing, 'tis only to Embroil *Christianity* in Bloody War, that peradventure, the Youngest of this Generation may not live to see an End of.

W I L L

The Last will and Testament of Charles the Second, Late King of Spain, (now in Glory) which he made to settle the Succession of the Crown of Spain.

The Title, as well as the whole Will it self, would bear severe Reflections which I shall Omit, out of the respect which is due to Crown'd Heads, and proceed to the Contents, which that they may be known from the Animadversions, is put into a different Character. We

W I L L

We observing, agreeable to the Results of several Consultations held by our Ministers of State and Justice, that the Reasons, on which the Renunciation of the Ladies Donna Anna, and Donna Maria Theresia, Queens of France, my Aunt and Sister, concerning the Succession of this Kingdom was grounded upon the Danger and Prejudice of Uniting this Kingdom to France.

It is apparent by this Paragraph, that the Wisdom of Spain, in all Ages, thought it their great security to prevent a possibility of that Crown's falling upon French Heads, and therefore in all their Treaties of Peace or Marriage, took all the Care Imaginable to prevent it, by keeping them at a Distance, destroying every Pretence to such a Claim, and keeping the Ballance of Power in Europe in its just Poise, that Aspiring France, by such a Considerable Addition as Spain would be, might neither have Power to Oppress Spain, nor any of the Princes of Europe.

This was the Reason why the King and Council of Spain, would not give these Ladies in Marriage to France, till they had made an Actual Renunciation of their Rights to the Crown of Spain, for themselves and their Heirs, as Queens of France; which was thought a Tye strong enough in those Days, tho' of late, since the Knot could not be loos'd without Violating the Faith of Leagues and Contracts, they have thought fit to cut it by self Interested Glosses and Expositions. Now how those Reasons come to Cease at this Juncture, as is Insinuated by the Will, can be no less than the wonder and Admiration of all the World, since the French King, if he has the Inclination, is endued with a greater Power of his own, to oppress the Kingdom of Spain, and all Europe besides than ever any King of that Country had since it was a Monarchy; and what he will do, if the Gold and Silver Mines of the Indies, and all Spain should be added to his present strength; is not fit to be Trusted to any Ambitious Prince's Kindness, or Good Nature, though he had oblig'd his Neighbours with greater Instances of his Benignity, than yet the most Christian King has been pleased to shew us.

W I L L

And observing when the Fundamental Reason should cease, that then the Right of succession did devolve upon the next in Blood, according to the Laws of these Kingdoms, and that now this Accident is verified in the second Son of the Dauphin of France.

This short Paragraph seems to have a Double Face, and yet both are Frightful. One way it looks as if It were conducive to the Welfare of Spain, to Disinherit the Heir Apparent, yet turn it the other way, and it seems to intimate, that the younger Son have a kind of Right, where the Elder Brother of both Families pretending to it, have none at all; which

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if it be not Injustice, is a manifest Error; for the Duke of *Anjou* has no more Right to the Crown of *Spain*, while his Father the *Dauphin*, or the Duke of *Burgundy* his Eldest Brother are living; than an *Attorn* has to *Heaven*, or the King of *Bantum* to *France* and *Navarre*.

I therefore Regulating my self according to the said Laws, do declare for my successor, if God takes me away without leaving Issue, the Duke of *Anjou*, second Son to the *Dauphin*, and as such, do Appoint and Designate him to succeed me in all my Kingdoms and Dominions, more excepted; and do Command and Ordain that all my subjects and Vassals, do acknowledge him as their Natural King and Lord, and that without delay they put him into the Legal Possession of them: Provided he takes the Usual Oaths, to Observe the Laws, Ordinances and Customs of my said Realms and Dominions.

Here you have the late King of *Spain*'s Bequest, what no Body in the End will have cause to thank him for. Nor the French King, for if he should accept the whole as a Gift of the late King of *Spain*, it will infinitely Scandalize that most Christian King with the Breach of his own Treaty which he has sign'd and Consented to already, which is to be content with a Part of it; and would force him into a New War with his Neighbours, before he has Recover'd the Damages he sustained in the last. Not the *Dauphin*, nor the Duke of *Burgundy* his Eldest Son, for the *Will* was given away their undoubted Rights; nor the Duke of *Warr*, on whom, or at least upon whose Posterity, he has entail'd an everlasting War, if the Duke of *Burgundy* leaves Children behind him; for, by the same Reason that the Renunciation of the *Dauphin*'s Father and Mother at the *Pyrenean* Treaty, cannot prejudice his Right of Succession to the Crown of *Spain*, which is the only Argument that supports the French Claim, by the same Reason neither the *Dauphin*'s, nor the Duke of *Burgundy*'s Consent to the *Spanish Will*, can prejudice the Right of their Posterities, as soon as their Swords render them fit to Demand it.

Nor does the late King of *Spain*'s Command, to put the Duke of *Anjou* into immediate Possession, signify any thing, unless it be Obey'd by the Rule of Contraries, and serves to put his Subjects into the Possession of their Natural Right, to defend themselves from being Slaves to a Professed Enemy, and a foreign Nation. Besides, if the inbred Hatred of the *Spaniards* to the French was utterly extinguish'd, the Duke of *Anjou* will find two words to that Bargain; for if (as we are told) the Emperor's Ambassador at *Madrid* has already protested against the *Spanish Will*, he must know, tho' he has his Grand-father to help him, he will sit but very uneasily in *Spain*, without his Imperial Majesty's Consent, who Claims a right Antecedent to his; nor will the *English* and *Dutch* be unconcern'd in Defence

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of the Treaty, and the Partition to which they with his Grand-father are
solemnly Obliged by Articles.

And it being my intention, for the Welfare of my own subjects, and the Peace
of all Europe, that this Monarchy be kept divided from the Crown of France, I
do Declare that if the said Duke of Anjou should die, or coming to Inherit the
Crown of France, should prefer the Enjoyment of that Monarchy before this of
Spain, that the Succession shall Devolve upon the Duke of Berry, his Brother, the
Dauphin's Third Son, in the same manner.

In the foregoing Clause you had the Request, and you have seen what
in all probability it will amount to, if the French King thinks fit to con-
form to the Treaty and Partition he has already agreed to, and obliged
himself to keep, or according to his wondred Prudence, will look before he
leaps, and see what is in the Bosome of Futurity. In this you have the Rea-
sons of the deceased Monarch for doing it, which in general Terms, is said
to be for the Welfare of his Subjects, and the Peace and Tranquility of all
Europe, upon which the Questions naturally suggested themselves. Is it for
the advantage of the Spaniards to be made Slaves to the French, or be forc'd
at last to Fight for their Liberties and Properties, when they are over-
power'd, Disarm'd, and no Body to help them? For this giving up Spain
so entirely at a Venture, without any previous Solid Securities, for their
Liberties and Properties, looks so like a Conquest, than what I have Que-
ried about, is the first thing to be expected by the Natives. 2dly.

Is it for the Peace and Tranquility of Europe, that France by Tacking
Spain, and the Wealth of the Indies to it, should grow Bigger and Richer
then all Europe besides, and be able to Oppress them at pleasure? 3dly.

Is giving the Crown of Spain to the French, the way to keep the King-
doms Divided; or rather could a better expedient be found out to Unite
them, under one Dominion, than the Will has done, if all Europe is so fast
a Sleep, as to suffer the Dangerous Project to take Effect.

Aye, but say the Bribed and Blind Testamentarians, the Duke of Anjou
being Caress'd with a Crown and a Vast Kingdon, will soon turn Spaniard
to oppose the Encroachments of France upon his own Territories, and in
Common Prudence will preserve that Monarchy for the inheritance of his
own Posterity; to which I Answer, that all these fine things may be true,
if those two Crowns should happen to differ between themselves, then pos-
sibly you might have him King of Spain, and not Duke of Anjou; but if
the most Christian King should think fit to Quarrel with all the rest of Eu-
rope, you will certainly find him Faced about, and be Duke of Anjou again,
and like a Dutiful Grand-Child, take part with France, and the Great-
Turk, against all Christendom: And under what a dismal Fate Europe will
be

be then ; I leave Wise Men to consider and Prevent, and Fools to Lament when it's too late to apply a Remedy.

For let the Crown of *Spain* be set upon which Head it will of the House of *Bourbon*, the Command of the Sword will still remain in his Power that Governs at *Versailles* ; and the *Spanish* Councils will be Acted by the Measures that are taken there ; and so the *Spaniard* thinking to change Hands by the choice of a Second Son, have only made one Hand the stronger to Oppress and Ruin themselves and all *Europe*.

W I L L.

And in Case the said Duke of Berry should Die or Accept the Crown of France, I then Declare and Nominate to the Succession the Arch Duke, Second Son to the Empire, Excluding for the same Reasons and Inconveniencies, contrary to the common Interest of my Subjects, the first Born Son of the said Emperor : And in case the Arch-Duke should happen to Die, I then Declare and Nominate to the said Succession, the Duke of Savoy and his sons.

All this amount to no more, than if the Duke of *Anjou* accepts the Crown of France, he may leave the Crown of *Spain* if he please, and the Duke of Berry may take it if he can ; but if the whole House of *Bourbon* grow weary of that Opulent Kingdom and Abdicate, then the Arch-Duke to the Duke of Savoy, and his Sons, may Play at Win it and Ware it. Sure the Deceased Monarch Now in Glory thought there was some strange Charm or hidden Vertue in a last Will and Testament, that all Princes *Nolens Volens* must consent to ; for there is no Care taken, or Order Made in the Will ; for compassing any of his Intentions, or Frustrating contrary designs, and therefore as every Prince is left to Catch as Catch can, there is no Question but there will be a Dividend of that Monarchy, if France does not submit to that already made.

W I L L.

And it is my Will, that this be Obeyed by all my Subjects, as I Command it, and is Convenient for their Welfare, without suffering the Least Partition or Diminution of the Monarchy, as it was founded by my Ancestors. And as I desire the Peace and Unity, which so much concerns Europe may be Preserv'd between the Emperor, and the most Christian King, so I desire and advise, that the Union may be more firmly Cemented, by a Tye of Marriage between the Duke d' *Anjou*, and the Arch-Dutchess, in order to give Europe its requisite Tranquility.

He that thinks this Conclusion any thing but a bare and insignificant Complement to the Emperor, was never in France, where they abound with little else, and with which they Impose upon all the World ; and he that thinks the Court of *Madrid* was not Trick'd into this Will, by the Artifice of Europe's common Enemy, knows nothing of the Power of *Loues d' Or's* in Spain.

Thus

Thus far went so much of the late King of *Spain's* Will, as it was Transmitted to us by the first Post after his Death, and is indeed all that relates to the disposition of that Monarchy. But the Last Post having brought us what remain'd behind, and was then unknow on this side the Water, I have added it to the former, that nothing of that *Royal Testament* might be wanted tho' some wise Men are of Opinion, that if he had made none at all, he had left a fairer Character of his Wildom and Integrity behind him, then now will attend his Memory.

W I L L.

During the Inter-Regnum his Majesty appointed the Queen of Spain to be Regent of that Kingdom and that she should have a Decisive Voice : That the Presidents of Castilo and Arragon, the Archbishop of Toledo Porto carero, the Inquisitor General, with Count Arguillar and Frillana, should be Councillors of State, and Count de Bonavente for the Grandees : And if any of the Presidents should happen to dye, then the Eldest Councillor should Officiat till another was Chosen : That the Schedule appoining the Election of Councillors and Grandees of Spain, seperately Sign'd by the King, shall be of Force : That the Council shall Assemble in what place of the Palace the Queen shall direct ; at which the Secretary of the General Orders shall Assist, and all dispatches shall be Signed by the Queen's own Hand, and in the same Place where the King used to Sign, when Living-

All this is to as little purpose as the former ; for the Will is to have Effect immediatly, which Annihillates the Queen's pretended Regency, and is only a Flourish of Respect to her, without any Reality ; for since the Power is already in the King by the Will, there is no question but if he accepts it, he will inhibit all other Authority, and Enter upon the Administration of the Government himself ; and so we are told from Paris he has done already, in a material part of this Clause, by making the Spanish Ambassador at Paris a Grandee of Spain, and Master of his Horse, and Declaring all Persons shall keep their Employments : So that now the Spanish Court is obliged to Act by the Will of the Living King, or his Grandfather, and not by that of the Deceased.

Trouble, they will think, (the Ballance of Power in *Europe*, being also consider'd) that they could not, or at least ought not to desire more; especially if they call to mind, that the Fate of War is very uncertain, that both cannot be Conquerors, and what also often time happeneth, that while Two are contending for a Prize till they have weaken'd one another, a Third comes and Seizes it from them both, leaving them to inherit nothing but a dear bought Repentance, for not knowing when they were well. Thus was the *Roman* Empire subdued by the *Goths*, which they call'd *Barbarians*. *Palestine*, *Syria*, *Ægypt* and *Greece* by the *Turks*. *Brittain* by the *Saxons*. *France* by the *Goths*, *Burgundians* and *Franks*. *Italy*, by the *Huns*, and *Spain* by the *Moors*,

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several Heads, and expatiate over large Fields of Matter, yet for brevity sake, I shall thrust all I have to say to this into one general Conclusion, and that is,

Because it is their Interests to be satisfied with the Partition. The Emperor, notwithstanding the great boasts that are made in his favour, of being able to break through all these Measures, and subduing all the Opposition that can be made against his Pretensions to the whole ; yet I can never have so mean an Opinion of the Emperor's great Wisdom, as to think, that after so considerable a Dominion is Alotted to the *Arch-Duke* his Son, and which he may, if he pleases, enjoy without disturbance, he will put it to the hazard of a War ; when all things consider'd, 'twill be impossible for him to make better Terms for himself, than are made him already ; whereas attempting to gain the whole, peradventure in the Event of things may leave him none at all ; for tho' possibly he may make a Buffle upon the *Rhine*, and in *Italy*, yet he can never be able to keep *Spain* and *Flanders* if he really had them already in Possession : For *Spain* could never hold out against the *French* by Land, and the *English* and *Dutch* by Sea, and *Flanders* would immediately be Invaded on one side by the *French*, and on the other side by the *Dutch*, and with little Trouble would fall into their hands, before the Emperor, who by Aiming at the whole, must have Irons in the Fire, can be able to make any considerable opposition against them. No, his Imperial Majesty cannot but be sensible of these dangers, and other insuperable difficulties, which of necessity he must Encounter, if he enters into a War, and therefore it cannot be rationally suppos'd, that he will refuse the Kingdom of *Spain* with all its profitable Islands in the Ocean, Fruitful *Flanders*, and all its Plantations in *America*, with the Inexhaustible Mines of Gold and Silver to Boot, upon bare Possibilities of Catching more ; and therefore to adhere to the *Partition* is his Interest.

'Tis true, if *France* were at liberty to pursue his own Inclinations, there is no doubt to be made, but he would immediately enter upon the whole Dominions of *Spain*, as his own, or at least his Son's Right, and Annex them to *France* and *Navarre*, and
who

who could blame him for so doing? but since there are two great Rubs in his way, no Man can divine what he will do, nay, scarce himself yet, till he sees how things will operate to or against his Designs; for tho' some of our Forreign Papers tell us, that he Carresses the Duke of *Anjou* with the Title of K. of *Spain*, others say he receiv'd the News of the K. of *Spain's* Will with so much coldness and Indifferency, as if the Gift was not worth the Acceptance; so that by the former, if it was true, he only acted like a politick Physician, and was only feeling his Neighbour's Pulses, before he determined what Method to prescribe. The first *Remora* in his way to the Crown of *Spain* is the Treaty, he Acknowledging to be Satisfied with the Share that was given him, and Renouncing under Hand and Seal all his Claim to the rest; which are too great and solemn Ties for the Most Christian King, that stands so much upon his Honour and Integrity, to break.

The other *Remora* is two powerful Neighbours, viz. the King of *England* and the States of *Holland*, who, he knows, will never consent to his being so formidable, as that Addition will render him; and therefore, as it may be supposed, he is not fond of having of a new War with them, who gave them his Belly-full in the last; so having by the Partition of the *Spanish* Monarchy such considerable Aquisitions in *Italy*, as gives as Absolute Dominion in the *Mediterranean* Sea, excludes the House of *Austria's* concerns by Land, hangs the Keys of the Church of *Rome* at his Girdle, and lays the petty *Italian* Princes at his Feet; 'tis believed he will certainly keep close to his Alliance, and quietly Accept the Partition of the *Spanish* Monarchy as his undoubted Interest, rather than lose his New Friends, and render them his certain Enemies. To sum up all in a few words, 'tis the Interest of all *Europe* to keep both these Rivals from the possession of the whole *Spanish* Monarchy; for if the Emperor should enjoy it, he would be too Potent for the Princes of *Germany*, and might crush them either singly by degrees, as one of his Predecessors did the Prince *Palatine* of the *Rhine*, or jointly, if he should think fit to Attempt the making of the Imperial Crown *Hereditary*, to oblige his own Family.

To

To let the *French* possess the *Spanish* Dominions, would be Fatal to the *English* and *Dutch*, who chiefly subsist by Trade; for they would soon Worm them out of all, by encreasing the number of their Shipping with the vast summs of Money that comes yearly from *Mexico* and *Peru*; or else by keeping them under continual Wars and Piracies, make Trade more Injurious to our Merchants, whom so many Thousands of our Handicrafts Men depend upon for their Livelihoods, than laying up their Shipping, and lying Idle; for the latter was but Living upon the Main Stock, but the former would be Enriching our Enemies by our own Losses. How little would our Factories, and now profitable Trade with *Spain*, both without and within the *Streights Mouth* signify, when all those Ports shall be free to the *French*, as Subjects to their new King, and such Impositions laid upon their Neighbours, that the *French* will be able to under-Sell them, in Merchandize of their own Growth and Manufacturies.

All the Prejudice that Wit and Malice can invent, to ruin the Trade of the *English* and *Dutch*, and Beggar their Merchants, must be expected, if such a fatal Conjunction of the two Kingdoms should happen. What will become of our whole *Levant* Trade to *Smyrna*, *Scanderoon*, *Aleppo*, all the Ports on the *Morocco*, *Zant*, *Venice*, *Genoa*, *Leghorn*, &c. when we shall find *Toulon*, *Alicant*, *Gibraltar* and *Cadiz*, as full of Pirates on the *Christian* *Shear*, as at *Tunis*, *Tripoly*, and *Algiers* on the *Coast* of *Barbary*; nor are these Fears malicious suggestions, but down-right matter of Fact; for if the late Peace has already produced so many Pirates of that Nation, that one Sessions, and at one place, the *Old Baily*, they could spare us forty to the Gallows, we must believe their numbers will increase with their Shipping.

What a dismal Prospect would such a Union of the two Kingdoms give us, in relation to our *Colonies* in the *West-Indies*, when they are so bold to insult us there already, endeavour to monopolize all the Trade of these Parts to themselves, and have fill'd those Seas so full of *Buckaniers*, that few Ships, unless of great force, can escape them: And what will our *Northern Trade* be worth, when *Ostend* and *Newport*, by this Addition, are as well stock'd with Pyrates as *Dunkirk* and *St. Malo*.

These are a slight tast of the many Evils I could present you with the knowledge of, if *Spain* should be added to *France*: But here remains our *Comfort*, that we have a good King, that understands our dangers, and the way to prevent them, if we are not wanting to our selves in enabling him to do it.

F I N I S.

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